IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL WRIT PETITION NO.2204 OF 2004

Manmohan Shetty : Petitioner.

versus

The State of Maharashtra & Anr. : Respondents.

Mr.Satish Mane-Shinde with Mr.V.B.Naik for the petitioner.

Mr.P.K.Dhakephalkar i/by Mr.Y.M.Choudhari for Respondent No.2.

Mr.A.M.Shringarpure, APP, for the State.

CORAM : D.G.DESHPANDE

DATED : MARCH 18, 2006.

P.C.

1. By this petition, the petitioner - original accused has challenged the order of issuance of process under Section 420 of the Indian Penal Code. This Court, (Coram : Smt.V.K.Tahilramani,J), in the case of **V.K.Jain**

and others v/s. Pratap Padode and another reported in 2005(3) Mh.L.J. 778 held that the power of High Court under Section 482 of the Criminal Procedure Code should not be exercised when efficacious remedy of preferring revision before the Sessions Court against the order of issuing process is available to the applicants. Therefore, the petitioner/accused should approach the Sessions Court by preferring revision in respect of the order of the Magistrate issuing process. In this view of the matter, this petition is not maintainable. It is disposed of with liberty to the petitioner to approach the concerned Sessions Court within eight weeks from today. Ad-interim stay to continue till then. No further extension on any count will be granted. Needless to say that the time spent in this petition will be taken into consideration by the Sessions Court while entertaining that revision.

[D.G.DESHPANDE]